

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
IRON MOUNTAIN INFORMATION	)	
MANAGEMENT, INC.,	)	
	)	
Interpleader-Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	NO: 1:05-10979 DPW
L&L TEMPORARIES, INC.,	)	
FLEXIBLE FUNDING, LLC, and	)	
THE UNITED STATES OF AMERICA	)	
THROUGH THE INTERNAL REVENUE	)	
SERVICE,	)	
	)	
Interpleader-Defendants.	)	
_____	)	

**JOINT STATEMENT PURSUANT TO  
FED. R. CIV. P. 26(F) AND LR 16.1**

Counsel for Interpleader-Plaintiff Iron Mountain Information Management, Inc. (“Iron Mountain”) and counsel for Interpleader-Defendant the United States of America (the “United States,” and together with Iron Mountain, the “Parties”), have conferred to discuss the status of the case, possibilities for a prompt settlement or resolution of the case, and how discovery should proceed. Interpleader-defendant L&L Temporaries, Inc., which is in default of its obligations to respond to the Complaint and has not entered an appearance in this action, did not participate. Flexible Funding, whose new counsel just made his appearance, was also unable to participate. Accordingly, Iron Mountain and the United States hereby jointly propose to the Court the following Joint Statement in accordance with Fed. R. Civ. P. 26(f) and LR 16.1:

**A. Discovery Plan:**

1. All parties shall be joined no later than December 16, 2005.

2. All parties shall make all disclosures required by Fed. R. Civ. P. 26(a)(1) no later than December 23, 2005.
3. All fact discovery will be completed no later than June 2, 2006.
4. Expert report(s), if any, will be served no later than June 30, 2006.
5. Rebuttal expert report(s), if any, will be served no later than August 4, 2006.
6. Expert depositions will be completed no later than September 1, 2006.

**B. Magistrate Judge:**

The Parties are not prepared at this point to assent to trial by a magistrate judge, but would be willing to revisit the issue as the date for trial approaches.

**C. Other items:**

1. Dispositive motions will be filed no later than October 6, 2006.
2. Certifications by the Parties pursuant to LR 16.1(D)(3) will be filed separately.
3. The Parties agree that the action currently pending before Judge Lindsay and captioned Flexible Funding LLC v. Iron Mountain Information Management, Inc., Civil Action No. 05-12071-RCL, which was transferred to this Court from the United States District Court for the Northern District of California upon the motion of Iron Mountain, addresses many of the same issues and should be consolidated with this action.
4. Flexible Funding just recently retained new counsel for this action, which counsel just recently made his appearance. Flexible Funding was unable to participate in the drafting of and did not comment on this Joint Statement and Discovery Plan.

The Parties agree that the dates listed in Sections A and C above may be altered upon stipulation if approved by the Court.

Dated: November 22, 2005

Respectfully submitted,

**IRON MOUNTAIN INFORMATION  
MANAGEMENT, INC.**

By its attorneys,

/s/ Samuel A. Miller  
Larry L. Varn (BBO #508130)  
*lvarn@sandw.com*  
Samual A. Miller (BBO #648568)  
*smiller@sandw.com*  
SULLIVAN & WORCESTER LLP  
One Post Office Square  
Boston, Massachusetts 02109  
(617) 338-2800

**THE UNITED STATES OF AMERICA**

By its attorneys,

/s/ Lydia Bottome Turanchik  
Lydia Bottome Turanchik  
Trial Attorney, Tax Division  
U.S. Department of Justice  
Post Office Box 55  
Ben Franklin Station  
Washington, D.C. 20044  
(202) 307-6560